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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/557,742	11/21/2005	Shin Ishimaru	050770	2296
23850 7590 10/29/2007 KRATZ, QUINTOS & HANSON, LLP 1420 K Street, N.W. Suite 400 WASHINGTON, DC 20005			EXAMINER STEWART, JASON-DENNIS NEILKEN	
			ART UNIT 4138	PAPER NUMBER
			MAIL DATE 10/29/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/557,742

Applicant(s)

ISHIMARU ET AL.

Examiner

Jason-Dennis Stewart

Art Unit

4138

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 November 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 21 November 2005.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-11 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andersen et al. 6,146,416 i.v., Hyodoh et al. 7,018,401.

3. Re Claim 1, Andersen teaches a first expandable stent body 190, a first tapered portion 180, a middle strut 170, a second tapered section 160, a second expandable stent body 150, a third tapered section 140, and a strut in a contracted position 130 all in series (fig. 1c). However, Andersen does not teach the following claimed limitation: formed by twisting at least one filament in a spiral fashion.

Hyodah teaches a stent formed by twisting at least one filament in a spiral fashion (fig. 1a, fig. 9)

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Andersen i.v. Hyodah in order to create a self-expandable, woven device to be used as a stent as taught by Hyodah (abstract).

4. Re Claim 2, Andersen teaches the invention as claimed and as discussed above. However, Andersen does not teach the following claimed limitation: the strut formed by twisting at least one filament in a spiral fashion.

Hyodah teaches the strut formed by twisting at least one filament in a spiral fashion (fig. 1a, fig. 9)

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Andersen i.v., Hyodah in order to create a self-expandable, woven device to be used as a stent as taught by Hyodah (abstract).

5. Re Claim 3, Andersen teaches the invention as claimed and as discussed above. However, Andersen does not teach the following claimed limitation: strut being a rod-shaped body of polyurethane.

Hyodah teaches covering strut with polyurethane (col.11, ll. 23-25). Covering the strut body with polyurethane would create a rod shaped polyurethane body.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Andersen i.v., Hyodah in order to create a self-expandable, woven device to be used as a stent as taught by Hyodah (abstract).

6. Re Claims 4-6 Andersen teaches a NITINOL filament (col. 6, l. 60).

7. Re Claim 7, Andersen teaches a stainless steel filament (col. 6, l. 60).

8. Re Claim 8, Andersen teaches a polyester filament (col. 6, l. 61).

9. Re Claim 9, Andersen i.v., Hyodah teaches the device of claim 1, however, Andersen i.v., Hyodah does not positively recite the claimed ranges. It has been held, "the normal desire of scientists or artisans to improve upon what is already generally known provides the motivation to determine where in a disclosed set of percentage ranges is the optimum combination of percentages", *in re Peterson*. See MPEP 2144.05, section II, part A.

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10. Re Claim 10, Andersen teaches a catheter (col. 1, ll. 23-31).

11. Re Claim 11, Andersen teaches the invention as claimed and as discussed above. However, Andersen does not teach the following claimed limitation: graft material.

Hyodah teaches covering a substantially cylindrical stent with graft material (abstract). This would render the graft cylindrical in shape.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Andersen i.v., Hyodah in order to create a self-expandable, woven device to be used as a stent as taught by Hyodah (abstract).

12. Re Claim 15, Andersen teaches a catheter (col. 1, ll. 23-31).

13. Claims 12-14 rejected under 35 U.S.C. 103(a) as being unpatentable over Andersen et al. 6,146,416 i.v., Hyodoh et al. 7,018,401 further i.v., White et al. 5,782,904.

14. Re Claims 12 and 14, Andersen i.v., Hyodah teaches the invention as claimed and as discussed above. However Andersen i.v., Hyodah does not teach the following claimed limitation: sutures.

White teaches sutures to adhere graft material to a wire frame (col. 3, ll. 17-20).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Andersen i.v., Hyodah further i.v., White in order to form an intraluminal graft including a tubular graft body as taught by White (abstract).

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure, as per the Notice of References Cited.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason-Dennis Stewart whose telephone number is (571)270-3080. The examiner can normally be reached on M-F (alt Fridays off) 7:30-5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ehud Gartenberg can be reached on (571)272-4828. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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JS

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11/18/07

[Handwritten signature: Ehud Gartenberg]

EHUD GARTENBERG
SUPERVISORY PATENT EXAMINER

11/23/07